

REMARKS

Status of the Claims

Claims 1-14 are pending in this application. No claims have been canceled, added or amended. Applicants submit the following supplemental arguments and Declaration of Mr. Yamaguchi in support of the allowability of the claims.

Rejection under 35 USC 103(a)

The Examiner maintains the rejection of claims 1-14 as obvious over Ito et al. USP 6,150,084 (Ito '084) in view of JP 11-149136 (JP '136) or Adin et al. USP 6,054,260 (Adin '260). Applicants traverse the rejection and respectfully request the withdrawal thereof.

Applicants incorporate by reference the arguments in the Submission filed December 29, 2003 regarding the deficiencies in the prior art material, which contains the hydrazine compound of Ito '084 and a compound of Formula I.

Applicants further submit that the compound #54a of Ito '084 (a hydrazine compound similar to a compound of formulas (1) to (3)) in combination with a compound of Formula (I) fails to yield the advantageous properties present in the claimed invention. Please see the attached Declaration of Mr. Yamaguchi where

photothermographic materials were tested for fog, density, sensitivity and contrast.

Mr. Yamaguchi prepared the photographic materials (1-9 to 1-19) in the same manner as Example 1 in the present specification, except that the compounds shown in the table were used. The materials were also evaluated in the same manner as Example 1 in the present specification. The results of the comparative tests are shown in the Table in the Declaration.

Ito '084 discloses a photothermographic material containing a group of compounds, C-1, C-42, C-8, C-57 and 54a (a hydrazine compound) as equivalents. Ito '084 fails to disclose the compound of formula (I).

Photothermographic materials 1-10, 1-12, 1-14 and 1-16 represent the photothermographic material of Ito '084 having a compound selected from the group C-1, C-42, C-8 and C-57 and no compound of Formula (I). The Table shows that these compounds have poor sensitivity and high fog over time.

Photothermographic materials 1-11, 1-13, 1-15 and 1-17 contain one of the compounds of Ito '084 (C-1, C-42, C-8 and C-57) and compound 95 of JP '136 (a compound of Formula (I)). This combination represents the present invention. The test results in the Table show that these materials have, for instance, excellent high sensitivity and low fog.

Lastly, Mr. Yamaguchi showed through comparative testing that a photothermographic material that contains a hydrazine compound fails to exhibit the photographic properties of the present invention. See sample 1-18, which contains only a hydrazine compound (compound 54a of Ito '084) and sample 1-19, which contains both a hydrazine compound (Compound 54a of Ito '084) and a compound of Formula I (compound 95 of JP '136). Both samples 1-18 and 1-19 fail to yield the excellent properties that are exhibited by the present invention.

This data supports Applicants' arguments that one of ordinary skill in the art would not be motivated to select the particular compounds of the present invention from Ito '084 and combine them with a compound of formula (I) as disclosed in JP '136 to arrive at the present invention. A photothermographic material of the present invention unexpectedly exhibits high sensitivity, low fog, high contrast and high Dmax. These results are not obtained by combining the hydrazine compound of Ito (compound 54a) with a compound of formula (I).

The Examiner should pay particular attention to photothermographic material 1-19. Ito '084 does not suggest that hydrazine compounds are inferior and will not produce the desired properties relative to other exemplified compounds. This sample proves that simply combining the disclosure of JP '136 with Ito

'084 does not yield the present invention. There is no suggestion to use some compounds in Ito '084 and not use others, such as hydrazine. It is entirely unexpected that certain enhancers of Ito '084 when used in combination with a compound of formula (I) of JP '136 would have unexpectedly superior low fog, enhanced contrast, high Dmax, and high sensitivity.

For the foregoing reasons, Applicants submit that no prima facie case of obviousness exists, as Applicants have successfully shown evidence that there is no motivation to combine the prior art references and to further pick and choose the particular compounds from Ito '084. As such, Applicants respectfully request that the rejection be withdrawn.

Conclusion

As Applicants have addressed and overcome all rejections in the Office Action, Applicants respectfully request that the rejections be withdrawn and that the claims be allowed.


Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Kecia Reynolds (Reg. No. 47,021) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Appl. No. 10/046,141


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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